

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re:	:
THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,	: PROMESA
as representative of	: Title III
THE COMMONWEALTH OF PUERTO RICO <i>et al.</i> ,	: Case No. 17-BK-3283 (LTS)
Debtors. ¹	: (Jointly Administered)
	:
	X
In re:	:
THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,	: PROMESA
as representative of	: Title III
THE EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO,	: This filing relates only to : Debtor ERS and shall be : Filed in the lead Case No. : 17-BK-3283 (LTS) and : Case No. 17-BK-3566 (LTS)
Debtor.	

X
**FIFTH SUPPLEMENTAL INFORMATIVE MOTION REGARDING NOTICES OF
PARTICIPATION AND NOTICES OF APPEARANCE FILED IN CONNECTION WITH
OBJECTIONS TO ERS BOND CLAIMS**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Judge Laura Taylor Swain:

The Official Committee of Unsecured Creditors (the “Committee”),² the Official Committee of Retired Employees of the Commonwealth of Puerto Rico (the “Retiree Committee”), the Financial Oversight and Management Board for Puerto Rico as representative of the Commonwealth of Puerto Rico (the “FOMB”), and the Special Claims Committee of the Financial Oversight and Management Board for Puerto Rico as representative of ERS (together with the Committee, Retiree Committee, and FOMB, the “Objectors”) hereby submit this fifth supplemental informative motion pursuant to the Court’s *Order Establishing Initial Procedures with Respect to (I) Objections of Official Committee of Unsecured Creditors and Official Committee of Retired Employees, Pursuant to Bankruptcy Code Section 502 and Bankruptcy Rule 3007, to Claims Asserted by Holders of Bonds Issued by Employees Retirement System of Government of Commonwealth of Puerto Rico, (II) Count One of Certain Complaints Alleging that Such Bonds Were Issued Ultra Vires and (III) Establishing Claim Objection Deadline for Certain ERS Bond Claims* [Docket No. 8818] (the “Initial Objection Procedures Order”),³ and respectfully state as follows:

1. On October 7, 2019, the Court entered the Initial Objection Procedures Order, which approved and incorporated by reference certain Initial Objection Procedures, attached as Exhibit 2 to the Initial Objection Procedures Order, in connection with the Claim Objections seeking to disallow certain claims filed or asserted by holders of ERS Bonds.⁴

² The Committee is the official committee of unsecured creditors for all Title III Debtors, other than PBA and COFINA.

³ Capitalized terms not defined herein shall have the meanings ascribed to them in the Initial Objection Procedures Order and the exhibits thereto.

⁴ Initial Obj. Procedures Order, ¶ 3.

2. The Initial Objection Procedures required, among other things, that parties in interest wishing to participate in the litigation of the Claim Objections serve and file a Notice of Participation by November 18, 2019 (the “Participation Deadline”) indicating, among other things, whether the Participant supports or opposes the Claim Objections, and the name, address, and email address of the Participant and its counsel, if any.⁵ The Initial Objection Procedures also required that AP Defendants file a Notice of Appearance to the extent they had not already done so, unless such AP Defendant is a Deemed Participant.⁶

3. In addition, the Initial Objection Procedures provide that, “[o]n the date that is five (5) days after the Participation Deadline, the Objectors shall file with the District Court a list of all parties that filed Notices of Participation, their counsel, and whether such Participants support or oppose the Claim Objections. The Objectors shall also file with the District Court a list of all AP Defendants that filed Notices of Appearance and their counsel. Such lists will be updated as necessary every thirty (30) days to reflect any late-filed or updated Notices of Participation and Notices of Appearance.”⁷

4. Pursuant to the Initial Objection Procedures Order and the Initial Objection Procedures, the Objectors hereby file (1) the updated list of parties that have submitted Notices of Participation, along with required related information,⁸ attached hereto as Exhibit A; and (2) the updated list of AP Defendants that filed Notices of Appearance and their counsel, attached hereto as Exhibit B.

[Remainder of page intentionally left blank.]

⁵ Initial Obj. Procedures, at 4-5.

⁶ *Id.* at 5.

⁷ *Id.* at 5-6.

⁸ Participants who returned Notices of Participation after the Participation Deadline are marked with asterisks.

WHEREFORE, the Objectors respectfully request that the Court take notice of the above.

Dated: November 30, 2020

By: /s/ Luc A. Despins

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